

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

LISA FISHER,

Plaintiff,

v.

HON. FRANCINE A. SCHOTT, J.S.C.,
et al.,

Defendants.

Civil Action No. 13-5549 (ES)

**CONSENT ORDER AMENDING
THE JULY 30, 2014 ORDER**

This matter having come before the Court by way of the motion of Defendant, the Honorable Francine A. Schott, J.S.C. to compel discovery and for sanctions, D.E. 64;

and Plaintiff having opposed the motion, D.E. 66;

and the Court having considered the parties' submissions, and having held oral argument on the record on July 28, 2014;

and it appearing that Defendant seeks all electronic copies of Plaintiffs "complete profile on Facebook, MySpace, Twitter, Instagram or any other social network of the like (including all updates, changes, or modifications to your profile) and all status updates, messages, wall comments, causes joined, groups joined, activity streams, blog entries, details, blurbs, comments, and applications, for the period from November 1, 2012 to the present," Defendant Schott's First Set of Document Production Requests to Plaintiff, attached as Ex. D to Certification of Mark Z. Edell, D.E. 64-2;

and it further appearing that Defendant seeks the imposition of spoliation sanctions against Plaintiff for any deletion, destruction, or unavailability of any information or documents

contained within Plaintiff's social media accounts from November 1, 2012, to the present, D.E. 66, at 18;

and it further appearing that Defendant seeks the imposition of sanctions in the form of Defendant's "reasonable expenses incurred in making this motion, including attorney's fees," D.E. 66, at 28;

and it further appearing that Defendant seeks sanctions against counsel for Plaintiff based on Plaintiff's counsel's alleged failure to obey the Court's pretrial orders, including an Order to appear at an in-person status conference on July 10, 2014, D.E. 66, at 30;

and it further appearing that it is necessary to amend the Order entered on July 30, 2014 to accurately reflect the reasons and deadlines set forth on the record on July 28, 2014;

and for good cause shown;

IT IS on this 14th day of August, 2014,

ORDERED that Defendant's motion to compel is denied in part and granted in part. Defendant's request for social media discovery is granted insofar as Plaintiff shall produce the following:

- (1) For the period of November 5, 2012 through November 13, 2012, Plaintiff shall produce any social media content that bears on Plaintiff's whereabouts, travel plans, and location.
- (2) For the period of December 10, 2012 through December 26, 2012, Plaintiff shall produce any social media content that bears on Plaintiff's whereabouts, travel plans, and location.
- (3) For the period of December 27, 2012 through April 2, 2013, Plaintiff shall produce any social media document, post, or activity that reflects on whether Plaintiff suffered stress or anxiety, the source of any such stress or anxiety, and the manner in which that stress of anxiety manifested itself. Plaintiff shall also produce for this period of time any content that reflects on her ability to concentrate or focus, or on whether she suffered anxiety or difficulty in communicating with other people.

IT IS FURTHER ORDERED that Defendant's motion for sanctions against Plaintiff's counsel based on his failure to obey the Court's pretrial orders, including his failure to appear at the status conference on July 10, 2014, is denied.

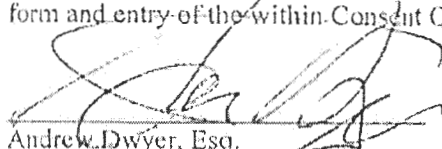
IT IS FURTHER ORDERED that Defendant's motion for the imposition of sanctions in the form of fees and costs that Defendant incurred in preparing the motion to compel and for sanctions is denied.

SO ORDERED:



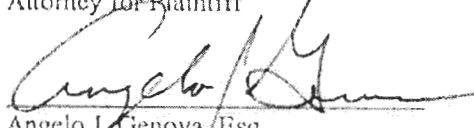
Hon. Michael A. Hammer
United States Magistrate Judge

Consent is hereby given to the
form and entry of the within Consent Order:



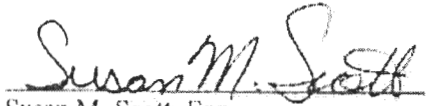
Andrew Dwyer, Esq.
Attorney for Plaintiff

Date: 8/6/14



Angelo J. Genova, Esq.
Attorney for Defendant,
Hon. Francine A. Schott, J.S.C.

Date: 8/12/14



Susan M. Scott, Esq.,
Deputy Attorney General
State of New Jersey -- Office of the Attorney General
Attorney for Defendants,
State of New Jersey and Elisabeth Ann Strom

Date: 8/8/14

12539446v1 (21647.001)